

Gene W. W. (1935) Department

W. S. SERIES.

G.O. No. 64 33

DATED Ch. Co. 35

[Despatch Abstract.]

Fisheries - Education - Kalappa and Hoovayya - Teachers - Scale
pay - Orders passed .

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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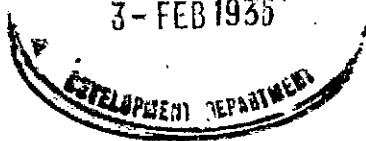
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Des. 482-11
4-2-35

C.P. 30.

FISHERIES DEPARTMENT.

Received 19 Registered 19



Subject.

Education - Establishment - Teachers -
P. Kalappa and Y. Hoovayya - petition -

ENCLOSURES.

No. ✓

Spare copies.....

Ref. No. 3293 C/34-2

Station M a d r a s , Dated the 29th January 1935 ..

From (Name) Dr. B. Sundara Raj, M.A., Ph.D.,
(Designation) Director of Fisheries,

To The Secretary to the Government of Madras,
DEVELOPMENT Department.

Sir,

Ref: G.O.No. Miscellaneous 1065 Development
dated 28th July 1934.

I enclose for the orders of Government copies of
petitions received from teachers P. Kalappa and Y. Hoovayya.
Both of them were admitted to the Fisheries Training
Institute for the third year course on 24th August 1926,
and underwent training till 23rd June 1927. From 24th
June 1927 to 31st July 1928 (both days inclusive) they were
treated as untrained teachers and paid accordingly because
they failed to secure a pass in the final examination of
the Fisheries Training Institute. The reduction was made

in accordance with the then existing practice, and not with reference to Statutory rules to treat teachers who failed in the Fisheries Training Institute Examination as untrained teachers. The practice in the Education Department was that " a teacher who fails twice in the written examination, i.e. the examination held at the end of the year of training and again in the examination held next year should cease to be regarded as a trained teacher" On this analogy the procedure in the Fisheries Department was adopted of treating those who fail in the Fisheries Training Institute examination as untrained.

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2. In the G.O. dated 28th July 1934 referred to above, the Government argue that the Statutory rules of 1929 were applied to the memorialists in question in declaring them as untrained as they had not acquired the Fisheries Training Institute certificate. Apart from the Statutory rules the practice always has been to consider candidates who fail at the Fisheries Training Institute as untrained and pay them as such. The petitioners in the present case now claim the difference of pay from 24th June 1927 to 31st July 1928 on the analogy of U. Thaniappa and T. Muthappa whose cases were disposed off by Government in the G.O. quoted. The argument that the Madras Fisheries Subordinate Service Rules came into force subsequent to the appointment of the memorialists and its provisions did not affect the memorialists to their prejudice does not seem to apply to the petitioners as the reduction of pay in their case was effected according to the then established practice and not according to the Statutory rules issued in 1929. I solicit the orders of Government in the light of the explanation of the case given above.

know lots of

(m)

I have the honour to be,

Sir,

Your most obedient servant,

B. C. S. S. S.
Director of Fisheries.

k.v. S

To

The Assistant Director of Fisheries,
(Coast), Calicut.

Thro the Proper Channel

Humble petition of P. Kalappa, Assistant teacher,
Polippu Fisheries School, Kaup- post, South Kanara.

Honoured Sir,

I joined the Fisheries Department in 1922 as an untrained Ele. Grade teacher and after having served for nearly one year on the then existing scale, I was required to undergo training at Mangalore in 1923 as a stipendiary of the Fisheries Department.

✓ I completed the ordinary teacher's training at Mangalore in 1925 when I was again admitted, as a trained teacher, in the Fisheries Department on the scale of 20-1-30. I was confirmed in the year 1924 in the department and I was allowed to draw the usual increment for one subsequent year, so that when I was called upon to undergo the Fisheries Training at Calicut on 24-8-1926 I was actually drawing pay of Rs. 21/- per month as a permanent trained teacher in the Fisheries Department according to the then existing rules and scale of pay applicable to me.

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Though I finished my Fisheries' course in 1927 and rejoined duty the same year, I was unfortunately not successful at the examination and I passed only in the next year i.e. 1928.

When I rejoined duty on 1-7-1927 after ^{Rs}one year's course at Calicut, I was given a pay of only Rs. 15/- per mensem on the scale of untrained teachers of the lower grade till 31-7-1928 when again my pay was started on ^{Rs}20/- as an ordinary trained teacher seeking admission for the first time.

5 In this connection, I beg to submit that I was really entitled to, and eligible for, the pay of at least ^{Rs}21/- per mensem when I rejoined duty after training course at Calicut and that I was eligible for further increments at least from the date of my completing and passing the Fisheries Course in 1928.

(1) I humbly submit that I am very much aggrieved by the sudden reduction of my pay to Rs. 15/- in 1927 while I would have been allowed to draw Rs. 22/- if I were to join as an ordinary trained teacher. This is an obvious injustice to me which is aggravated by my not being allowed to draw on my rejoining duty at least a pay of Rs. 21/- which I was entitled to before going for Calicut training.

7 But I beg to add that the benign Government has on re-consideration of the grievances of teachers, held in G.O.No. M.S. 1065 dated 28th July 1934 that the Madras Fisheries subordinate rules came into force on 24-9-1929 and that they will apply only to teachers seeking admission after that date. Those teachers who have joined service prior to that and who have been confirmed and who have earned increments cannot be effected prejudicially by those rules.

I beg to submit that my case comes within the perview of this G.O. No. MS. 1065 dated 28th July 1934 and I have all justifications to claim the benefit under this G.O. I was getting Rs. 21/- with one increment in 1926 when I went for Calicut training. So, the pay which was given after my return and rejoining duty in 1927 was not in accordance with this G.O. and so I pray that I may be allowed to draw my pay and increments in accordance with the observations contained in the above mentioned G.O.

I beg to add finally that I have suffered immensely on account of sudden reduction of pay and the suspension of increments. I pray therefore that my present petition may be sympathetically considered and my legitimate grievances redress, for which act of benevolence, I shall ever remain grateful.

Polippu,
dated 20-10-34

Sd. P. Kalappa

18/1/55 ✓

20/1/55 ✓
Ct

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18/1/55 ✓

18/1/55 ✓

2

Sw Dep

Memo no. 482. II p 35-1 of 15. 2. 35.

Ref. letter from the D.S. no 693
of 31. 2. 29. 2. 35 District
Schools - Teachers - P. Kalappa
and Y. Hoosayya - Petition.

The D.F. is requested to
state whether the petitioners
after they completed ordinary
teachers training at Mangalore,
obtained necessary certificates
and were classed under the
category "Certified Lower
Elementary grade teachers
for whom a ^{scale of} pay of Rs 20-1-30
was fixed in Govt. 132 SW
of 24. 1. 1924. The date of confirma-

A p 2 of (A)

-tion of these teachers ^{should} also be reported

Letter to Mr. P. Kalappa
15. 2. 35
25/3/55
12235/143
143

12235/143

15/2 4/5



24/5/35

8

Dev. 1708-II
17.5.35

FISHERIES DEPARTMENT.

Received 19 . Registered 19

Subject.

Education - Establishment - Teachers

Y. Hoovayya and P. Kalappa - Petition

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ENCLOSURES.

No.

Spare copies

Ref. No. 3293 C/34-5

Station Madras, Dated the 15th May 1935.

From (Name) Dr. B. Sundara Raj, M.A., Ph.D.,

(Designation) Director of Fisheries,

To The Secretary to the Government of Madras,

DEVELOPMENT Department.

Sir,

Ref: Development Memorandum No. 482 II/35-1 dated
15th February 1935.

(A) The Assistant Director of Fisheries (Coast) reports that teachers Y. Hoovayya and P. Kalappa were classified as lower elementary grade teachers from 12th May 1924 and 1st April 1925 respectively for whom a scale of pay of Rs. 20--1--30 was fixed in the G.O. referred to. Hoovayya was confirmed with effect from 12th May 1924 and P. Kalappa with effect from 1st April 1925.

✓ The Assistant Director of Fisheries (Coast) has not stated whether they obtained certificates after they completed ordinary teacher's training at Mangalore. He

FISHERIES DEPARTMENT.

Received 19

Registered 19



Subject.

Education - Establishment - Teachers -
Y. Hoovayya and P. Kalappa - petition -

ENCLOSURES.

No.

Spate copies

Ref No. 3293 C/34-6

Station Madras, Dated the 12th June 1935.

From (Name) Dr. B. Sundara Raj, M.A., Ph.D.,
(Designation) Director of Fisheries,

To The Secretary to the Government of Madras,

DEVELOPMENT Department.

Sir,

Ref: My letter No. 3293 C/34-5 dated 15th May 1935

In continuation of my letter quoted above, I have the honour to state that the petitioners, after they completed ordinary teachers training at Mangalore, obtained the necessary certificates.

I have the honour to be,
Sir,

Your most obedient servant,

R. Nalin-Tui
for Director of Fisheries.

12 6

17 CF. [Immediate o.n. re 4822/35-12/15.2.55]
 17.8-9 CF. [From the Dir of Fisheries, Rep No 3293
 of 34.5 of 15.5.55]

To Under Secy

Please see the letter from the Dir
 of Fisheries at 17.8.9 CF. It is submitted
 that the further report from the Director
 may be awaited till 10.6.55.

Sl. 10/6
 N.E. 25.6.
 please
 S.A.
 23.5.55.

file
 25/5/55

[From the Dir of Fisheries Rep No 3293 of 34-
 dated 12.6.55]

To Under Secy

Please see the Director's letter at page
 10 CF.

Annexure
 Co. 13.2 Dns (A)
 24.2.54

2. The two teachers Kalappa and
 Hoovayya are eligible for increments
 in the scale of 20-1-30 when they obtained
 the necessary certificates on completion of
 two years' training at Mangalore in
 1925 and 1924 respectively. At the time
 of their admission to the Fisheries Training
 Institute in 1926 for the 3 1/2 years' training,
 they were drawing Rs 21 and 22 respectively
 (They both passed in the examination in 1927)
 in the scale of 20-1-30%. It was not
 regular to have kept them on Rs 15/-
 as untrained teachers from July 1927 till they
 passed the F.T.I. examination in 1928

17.3-4 +
 5-6 CF.

— do —

Although they failed in the F.T. 2 examination in 1927, yet when they joined duty after training in July 1927, they should have been given Rs 21 and 22 respectively (the pay they were drawing at the time of admission to the Institute) and allowed their subsequent increments in the scale of Rs 20-1-80, at least after they passed the examination in ^{August} 1928, instead of starting them again on Rs 20/ from Aug 1928. The Director may be asked to do so.

3. The remarks of Pub (Sec) and Finance Dept may be invited viz.

S.A. lm
16.6.55. 17.6

Secy S. 18/6/55 19/6

Dec no 4825 / 35-2
19.6.55.

Pub (Secy)
Finance

150

Pub to Dept



Please see the petitions at pp 3-6 CF., memo at p 7 CF and the Director's replies at pp 8-10 CF.

The petitioners were first employed as untrained teachers in 1922 & 1920 respectively

12 1 1

They underwent training subsequently at Mangalore and obtained certificates on completion of training in 1925 and 1924 respectively. On completion of training, they became certified lower elementary grade teachers and were eligible for a pay of Rs 20-1-30. They were confirmed on 1.4.25 and 12.5.24 respectively. They were given the scale of Rs 20-1-30 on ~~an~~ appointment after completing the training at Mangalore. They were deputed for training at Calicut in 1926 but they did not pass the exam in 1927. They passed in 1928. On re-joining ^{in 1927} after the training in Calicut they were paid at Rs 15% p.m. as far as untrained lower elementary grade teachers. It is ruled that as they were already certified lower elementary grade

Non p1 and 2.
+ p1 CF

p10 CF -- F

Announcement to Co
at (A) 4.13.24
: 4.1.24
para 1, p1 CF

para 1 on p1 CF

para 3 on p3 CF

para 1 on p1 CF

teachers on Rs 20-1-30 and had
 been confirmed their pay
~~career~~ should not have
 been reduced to Rs 157-~~per~~ **A**
 they must be paid at
 Rs 20-1-30 on rejoining in
 1927 and they could count
 their service from the date
 of ~~passing~~ obtaining the
 certificate after completing
 the course at Mangalore, for
 purpose of increments. The period
 of training in the Fisheries Training
 Institute, Calicut will also
 count as duty for this purpose
 - vide Annexure I - at p 109
 and the item under Fisheries
 at p 114 of the F.Rs

The file may be passed
 on to the

O.D.

bir
 16/6/35

legis
 S. En

Per
 20/6



fin

20751^{cm} Public (Sw) 158-40/35-1
 2-7-35-

PTB



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17

23011

Finance (C.S.R.) Dept.

copy in (M)

Subd. Mat. Dev. may be requested to put up the original of G.O. 1065 Dev. of 28.7.34, on which the present claims are based.

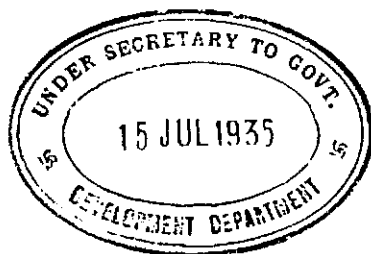
15/8.7.35

10ms
12.7.35

Finance 2075 (C.S.R.)
13.7.35

Dev. Off

23011
16.7.35

Gov. S.

Sent to Subd.
on 12.7.35 from
E.S. (C.S.R. 1604.11)

For 1065, Dev., dated 28.7.34, (original) is put up in the file regarding the memorial of Mr. L. Fernandez, late Iken's School teacher, which is in the Public Department. Subd. that this file may now be one to which file returns from Public Dept. on 2.8.35.

Dev. 18.9.35
18.7

18.7/35

Gov. S.

The original of G.O. 1065-As. Dev. of 28.7.34 is put up in file (G). The case may be returned to Finance (C.S.R.)

26926
26.8.35

Dev. 13.8.35
13.8

26/8/35

Finance (C.S.R.)

Finance (G.P.) Dept.

Teachers in Fisheries Schools have to undergo

- (i) Ordinary training required for teachers in other schools.
- (ii) Training in the Fisheries training institute

The petitioners were recruited as untrained teachers (one in 1920 and the other in 1922) underwent the training in item (i) and completed it successfully in 1924 and 1925. They were then allowed pay as for trained teachers - (Rs. 20-1-30) upto the date on which they were deputed for the training in item (ii) above. (viz. 24-8-26). They returned from the training on 24-6-27, but as they did not pass in the final examination at the end of the course and passed only in 1928 they were allowed to draw from 24-6-27 to 31-7-28 a pay of only Rs. 15 pm. (the rate fixed for untrained teachers) ^(i.e. after they passed the exam.) From 1-8-28 they were allowed Rs. 20 in the scale of Rs. 20-1-30. The points now for consideration are

Pages 3-6 CF

A. S. S. S.

Pages 1-2 CF

19th 19

A

- (a) Whether the petitioners were not entitled after passing the examination (ie. from 1-8-28) to pay in the scale of Rs 20-1-30 equal to what they were drawing in the same scale prior to going on training
- (b) Whether the ~~scale~~^{pay} of Rs. 15 pm allowed to them from 24-6-27 to 31-7-28 was correct

2. Item (a) above Subd. that as the teachers were drawing pay in the scale of Rs. 20-1-30 before proceeding on training they are entitled to count their previous service for increment ~~and~~ and to draw pay at the rate at which they were previously drawing it in the same scale with effect from 1-8-28. The Director of Fisheries has not offered any remarks on this point Subd. that Finance may agree to the pay of the subordinates being fixed on the basis of their previous service on the ^{same} scale.

Page 1-2 CF

MS/6.9.15

3. Item (b) above: No statutory rules were in force at the time

(i.e. from 24.6.27 to 28.7.28) when the teachers were allowed Rs.15 p.m as for untrained men

The D.F. states that this was the practice in force It is possible

p. 2 C.F.

that a similar rate of pay has been allowed in a large number of cases and it seems doubtful

M

whether it is now necessary to undertake a reconsideration of all those cases. The fixation of

pay ^(at the time) was a matter regulated by executive orders and there is no question of offending any rule.

The order fixing a reduced rate of pay may, it seems, be taken as one imposing a penalty for

B

not passing the examination and it does not appear that there was anything against the imposition

of such a penalty by an executive order. It has also to be realised that in the absence of a penalty

there would have been no incentive at all to pass the examination

1/2

In view of the above, it is submitted that Finance may suggest that the request for the payment of a higher

(from 24-6-27 to 31-7-28)

X } rate of pay main Rs. 15 pm. [may be negatives.

10000
5.9.35

✓ agree

6/6.9.35

Dev.

Gen. 26926 OR 7

Dev. Department



Yours.

Dev. 3014-11
7.9.35

Please see Finance Department note ante that Department has refused

high 9 ante

(a) that the petitioners may be allowed the scale of Rs 20-1-200 from 1.8.28 (the date of passing of the Teachers' Training Institute Exam) and then pay fixed on the basis of their previous service on the same scale

& (b) that the petitioners be allowed only Rs 15/- during the period from 24.6.27 to 31.7.28 (from date of return from training, till they passed the Exam)

X above

2 Subs. that (a) above being accepted for now, whether (b) above will ^{also} be accepted. Please see Part A of Public Dept note at Page 6 supra.
12.9.35

However illogical the procedure adopted might appear in the light of the present statutory rules it appears, nevertheless to have been based on a practice that had grown up in the Department following a similar practice in the Education Department. (please see K on page 2, c.f.). The statutory rules do not have retrospective effect and the only claim that the petitioners can prefer rests on principles underlying these rules. Finance view on point (b) above may be accepted.

True S. Lapey
13/9/35
14/9

H.M. 2

end
16/9
Recd
20/9

440
27.9.35

11/10/35

10.5.

A draft order is subm.
for approval.

Dist Public (S) may see it before issue

2.10.35
10/10/35

True S. Lapey
4/10/35

Public (Sondra)

24983

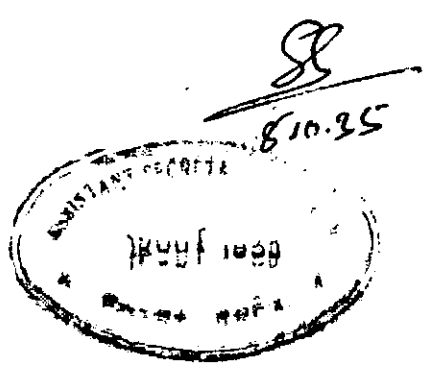
8-OCT 1935

482 11/35-4
7.10.35

13
23

Pub (In) Dept

Previous notes of this dept
are at pp 4-6 ante. Please
see the notes at pp 8-12 ante.
In the circumstances stated
by In ~~see~~ para 3 at pp 9-11
ante and Dev. have accepted
the ~~their~~ view. This dept. may
therefore ~~accept~~ the draft
order and the file may be
returned to Dev.



✓
Jew

[Signature]

[Signature]
11/10

[Signature]
24903-1
14/10/35

Tours

Submitted. The draft may now



[Signature]
14/10/35

[Signature]
15/10/35

Dev. 3489-II
14.10.35

24

DRAFT FOR APPROVAL

G.F. 16.

14
16/10

Date. Initials.

SUBJECT:—

When received for
fair copying ..

When copied ..

When examined..

When signed ..

When despatched.

16/10	16/10
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Fishes

Education - Kalappa and Hovayya

- teachers - scale of pay - orders passed

READ AGAIN _____, dated _____ 19____.

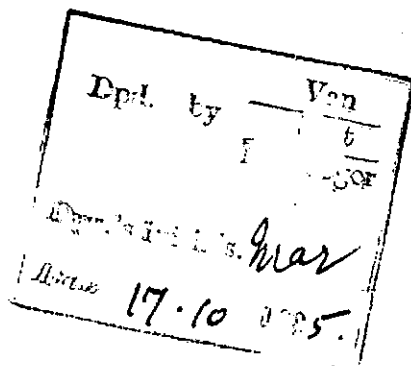
" " _____ 19____.

READ ALSO:—

No. 452 From the D.F. Reg. No. 3293C/34, dated 24.6.1935.

" " _____ 19____.

" " _____ 19____.

Order Ms. No. 1433, dated 16.10.1935.
Resolution Rout.

The Govt. considers that the fixation of the pay of the teachers, Hovayya and Kalappa, during the period from 24.6.1927 to 31.7.1928 at Rs 15 p.m. is in order. But their pay from 1.8.28 should be fixed on the basis of their previous service in the scale of Rs 20.1.30

16/10
24.10.35

16/10

20 to D.F. ✓

A.G. M. 7.10. ✓